

Ronald Domian

Reg. 20115-068 \* P.O. Box 1000 \* Cumberland, MD 21501

October 4, 2004

The Honorable Maurice Cohill Jr.  
United States District Judge  
Western District of Pennsylvania  
633 U.S. Post Office and Courthouse  
Pittsburgh, PA 15219


**Re: United States v. Ronald Domian**  
**Case No. CR-02-15-007 Erie**

Dear Judge Cohill:

On September 8, 2004, I filed an opposition to the government's response to my § 2255 petition. After that filing I gathered an additional evidence as to the counsel's failure to raise the appropriate objection to the PSR's criminal history calculation which directly impacts the arguments.

I was assessed criminal history reports for two summary violations that clearly do not meet the criteria under section 4A1.1(c) (sentencing Guideline Manual). The first was for summary harassment Case No. 2830 of 2000 Erie County Court, sentenced to 90 days probation. The second was for criminal mischief (summary offense) case No. 2036 2002, sentenced to \$ 150.00 fine.

These additional 2 criminal history points placed me in category III instead of II. Resulting in my sentence being greater than the appropriate sentencing guidelines. Since the criminal history calculation was clearly incorrect under 4A1.1(c), it must be assumed that an appropriate correction would have been made had my counsel raised the objection.

Sincerely,  
  
Ronald Domian

cc. Paul Thompson, AUSA (w/ encl.)  
files

2000 - 02830 DOMIAN RONALD

Init. Issuing Auth... 00012 LEWIS DENISE STUCK ID# 06306  
Docket No. Init Auth. CR - 0000132 - 00

Pre-Sentence Invest..  
Trial Commenced Date. 0/00/0000  
Trial Judge.....  
Sentence/ARD Date.... 5/09/2001  
Effect. Date of Snt.. 0/00/0000  
Superior Court #.....

Filed/Reopened	Description	Disposition	Disposition Code
10/10/2000	INITIAL FILING	5/09/2001	D GUILTY PLEA

\*\*\*\*\* ALIAS OR CO-DEFENDANT INFORMATION \*\*\*\*\*  
Alias or Co-Defendant Name Type Case #

\*\*\*\*\* CHARGE INFORMATION \*\*\*\*\*  
Date Chrg Cnt Section Sub Grd Desc

7/28/00 A 001 CC2701 A1 M2 SIMPLE ASSAULT  
Disposition Date..... 0/00/0000  
Disposition Description. WAV

\*\*\*\*\* DOCKET ENTRY INFORMATION \*\*\*\*\*  
Case Type...: CRIMINAL Case Action...: COMPLAINT

- - - - - FIRST ENTRY - - - - -  
7/28/00 BOND OF \$2,500 10% POSTED BY ROBERT DODSWORTH  
-----  
10/10/00 CRIMINAL COMPLAINT FILE FROM D.J. OFFICE.  
-----  
11/22/00 INFORMATION FILED  
-----  
12/01/00 WAIVER OF ARRAIGNMENT FILED  
-----  
3/14/01 MOTION FOR CONTINUANCE FILED BY S TETUAN ESQ  
-----  
3/14/01 ORDER (DATED 3/8/01) MOTION FOR CONTINUANCE IS GRANTED TO THE NEXT  
TERM OF COURT S/J. BOZZA JUDGE  
-----  
5/09/01 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL STEPHEN TETUAN, ESQ BEF  
ORE JUDGE STEPHANIE DOMITROVICH APPEARANCE SIGNED AND FILED DEFENDA  
NT'S STATEMENT OF RIGHTS SIGNED AND FILED THE DEFENDANT PLED GUILTY  
TO HARASSMENT ON COUNT 1 - SUMMARY  
CT. REPORTER - A. MUSCARELLA  
-----  
5/09/01 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND  
FILED. STEPHANIE DOMITROVICH, JUDGE  
CT. REPORTER - A. MUSCARELLA  
-----  
5/09/01 ORDER OF PROBATION -  
CT.1; COSTS; 90 DAYS  
300 FINE  
DR. KOVAC'S PROGRAM

2002 - 02036 DOMIAN RONALD

1/28/03 ORDER DATED 1-27-2003-IT IS ORDERED THAT A WRIT OF HABEAS CORPUS  
 AD PROSEQUENDUM BE ISSUED, DIRECTED TO THE SHERIFF OF ERIE COUNTY  
 AND DIRECTING THAT THE DEFENDANT BE BROUGHT BEFORE THIS COURT AND  
 RETURNED TO THE ERIE COUNTY PRISON. ALL COSTS INCURRED WILL BE  
 PAID BY THE COUNTY OF ERIE. JUDGE ERNEST DISANTIS

2/03/03 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL/A ARDUINI, ESQ  
 APPEARANCE FILED  
 DEFENDANT'S STATEMENT OF RIGHTS FILED & SIGNED  
 DEFENDANT PLEADS GUILTY TO CRIMINAL MISCHIEF (SUMMARY OFFENSE)  
 BEFORE JUDGE ERNEST DISANTIS  
 DEFENDANT'S ACK OF POST SENTENCE & APPELLATE RIGHTS FILED & SIGNED  
 COURT REPORTER/G WOOSTER

2/03/03 SENTENCE - CT 1: COSTS; \$150 FINE  
 DISANTIS ERNEST J JR

2/04/03 FILE TAGGED FOR ELECTRONIC TRANSFER OF AOPC THIRD SHEET  
 - - - - - LAST ENTRY - - - - -

\*\*\*\*\* COSTS & FINES INFORMATION \*\*\*\*\*

Case Type.: CRIMINAL  
 Case Action: COMPLAINT

Description	Costs/Fines	Pd To Date	Amount Due	In Escrow	Last Pymt
AUTOMATION FEE	5.00	.00	5.00	.00	0/00/0000
COURT FEE	23.34	.00	23.34	.00	0/00/0000
USER FEE	10.00	.00	10.00	.00	0/00/0000
CLERKS FEE	30.00	.00	30.00	.00	0/00/0000
SCS FEE	36.15	.00	36.15	.00	0/00/0000
LOCAL FINES	150.00	.00	150.00	.00	0/00/0000
OFF F.E. ACT158	5.00	.00	5.00	.00	0/00/0000
STATE COST	6.33	.00	6.33	.00	0/00/0000
H.B. 627 COST	6.33	.00	6.33	.00	0/00/0000
CVC COSTS	15.00	.00	15.00	.00	0/00/0000
CCC / VWS COST	25.00	.00	25.00	.00	0/00/0000
DVC COSTS	10.00	.00	10.00	.00	0/00/0000
JCS/ATJ FEE	10.00	.00	10.00	.00	0/00/0000
CONT SER SURG	5.00	.00	5.00	.00	0/00/0000
Cost/Fines Total	337.15	.00	337.15	.00	0/00/0000
Cash Bonds Total	.00	.00	.00	.00	

--- End of Listing ---